

# NOTICE ASSIGNMENT CONTROL SHEET

LOG CONTROL NUMBER: 7 ANALYST  
ASSIGNED: MULLAN

ACTION: NPP

TITLE: REHABILITATION TRAINING – REHABILITATION  
CONTINUING EDUCATION PROGRAM

RECEIVED: 10/17/07

DATE ASSIGNED: 10/17/07

DATE DUE: 10/24/07

ANALYST SIGNATURE: Kate Mullan

COMPLETION DATE: 10/18/07

FINAL APPROVAL: Angela Livingston DATE: 10-18-07

OMB NO: 1820-0018

REG PART: 84.264

Expires: May 2010

## Rudolph, Kim

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**From:** Mullan, Kate  
**Sent:** Thursday, October 18, 2007 10:03 AM  
**To:** Cannady, LaTanya  
**Cc:** Rudolph, Kim  
**Subject:** RE: Request for Clearance - Notice of Proposed Priority for OSERS FY 2008 CFDA 84.264 Rehabilitation Training - RCEP

Dear LaTanya,

RIMS approves this Notice as it is cleared under 1820-0018, which is good until May 2010.

Thank you,  
Kate  
OM/RIMS  
202-245-6536

-----Original Message-----

**From:** Cannady, LaTanya  
**Sent:** Wednesday, October 17, 2007 10:15 AM  
**To:** Winters, Deborah; Faulkner, Janice; Dean, Andrew; McDermott, Erin; Wade, Maria; Gregory, Wava; Cubarrubia, Archie; Langford, Lindsey; Rosen, Jeff; McGrath, Jack; Cogdill, David; Rudolph, Kim; Holloway, Michael; Rodriguez, Blanca; Griffin, Charlesetta  
**Cc:** Kuzmich, Holly; Tada, Wendy; McFadden, Elizabeth; Higgins, Shannan; Arrington, Angela; Hyler, James; Mullan, Kate; Harding, Natasha; Winston, Melanie; Lovley, Mary; March, Greg; Sheehy, Jennifer; Ashby, Roseann; Romano, Frank  
**Subject:** RE: Request for Clearance - Notice of Proposed Priority for OSERS FY 2008 CFDA 84.264 Rehabilitation Training - RCEP

Attached is a latest revised version from OSERS. Please use this version instead of the one previously sent. Thanks.

LaTanya D. Cannady  
Program Specialist (Regulations)  
Department of Education  
Office of General Counsel  
Division of Regulatory Services  
400 Maryland Avenue, SW  
Washington, DC 20202  
Direct Dial: 401-9676  
Main Office: 401-8300  
Fax: Number: 260-5085

-----Original Message-----

**From:** Cannady, LaTanya  
**Sent:** Wednesday, October 17, 2007 10:09 AM  
**To:** Winters, Deborah; Faulkner, Janice; Dean, Andrew; McDermott, Erin; Wade, Maria; Gregory, Wava; Cubarrubia, Archie; Langford, Lindsey; Rosen, Jeff; McGrath, Jack; Cogdill, David; Rudolph, Kim; Holloway, Michael; Rodriguez, Blanca; Griffin, Charlesetta  
**Cc:** Kuzmich, Holly; Tada, Wendy; McFadden, Elizabeth; Higgins, Shannan; Arrington, Angela; Hyler, James; Mullan, Kate; Harding, Natasha; Winston, Melanie; Lovley, Mary; March, Greg; Sheehy, Jennifer; Ashby, Roseann; Romano, Frank  
**Subject:** Request for Clearance - Notice of Proposed Priority for OSERS FY 2008 CFDA 84.264 Rehabilitation Training - RCEP

Hello All:

Attached is the Notice of Proposed Priority for OSERS CFDA 84.264 - FY 2008 Rehabilitation Training--Rehabilitation Continuing Education Program for your review. Please send me your comments and/or concurrence by the COB, October 24, 2007. Thank you.

LaTanya D. Cannady  
Program Specialist (Regulations)  
Department of Education  
Office of General Counsel  
Division of Regulatory Services  
400 Maryland Avenue, SW  
Washington, DC 20202  
Direct Dial: 401-9676  
Main Office: 401-8300  
Fax: Number: 260-5085

REGULATIONS CLEARANCE SHEET  
OFFICE OF THE GENERAL COUNSEL  
DIVISION OF REGULATORY SERVICES (DRS)

DRAFT NO.: 1

DATE: October 17, 2007

Please review the attached document, check the appropriate box below, sign, and return with your comments, if any, or e-mail your response and any comments to LaTanya Cannady (Rm. 6E217). Your response is due by COB, October 24, 2007.

**Office of the Secretary\***

[X] Deborah Winters, Ex. Sec., 7C100  
[X] Janice Faulkner, 7W223  
cc: Holly Kuzmich

**Office of the Deputy Secretary\***

[X] Andrew Dean  
cc: Wendy Tada

**Office of Planning, Evaluation & Policy Development\***

[X] Erin McDermott  
[X] Budget Service, Maria Wade, 5W311

**Office of the Under Secretary\***

[X] Archie Cubarrubia, 7E319  
[X] Lindsey Langford

**Office of the General Counsel**

Deputy General Counsel  
[ ] Jeff Taylor, 6E339

**Assistant General Counsel/DRS**

[X] E. McFadden, 6E217\*

**Deputy Assistant General Counsel/DRS**

[X] Shannan Higgins, 6C135

**Program Attorney**

[X] Jeff Rosen

**Legislation & Congressional Affairs\***

[X] Jack McGrath, 6W332

**Office of Management**

[X] David Cogdill, 2W225  
[X] Kim Rudolph, 9152 PCP  
cc: Angela Arrington  
cc: James Hyler  
cc: Kate Mullan  
[ ] Dianne Novick, RIMS {Send only SORs}

**Chief Financial Officer & Chief Information Officer**

[X] Michael Holloway, 4E231  
[X] Blanca Rodriguez, Charlesetta Griffin  
cc: Natasha Harding, GPOS, 3652 ROB-3\*  
[ ] Khriss Howard, 4E320

**Special Education & Rehabilitative Services**

Cc: Melanie J. Winston, 5061 PCP  
Cc: Mary Lovley, 5099 PCP  
Cc: Greg March, 5095 PCP  
Cc: Jennifer Sheehy  
Cc: Roseann Ashby

Program Contact: Frank Romano

Scheduler: Melanie Winston

**CHECK ONE**

- |   |
|---|
| <p>[<input checked="" type="checkbox"/>] Approved<br/>[ ] Approved subject to minor changes<br/>[ ] Not approved-see comments</p> |
|---|

**TYPE AND TITLE OF DOCUMENT:**

SIGNATURE: Kate Mullan DATE: 10/18/07

COMMENTS: FY 2008 CFDA 84.264 Notice of Proposed Priority for OSERS -

Rehabilitation Training - Rehabilitation Continuing Education Program

CFAB # 1820-0018

CFDA: 84.264

Expires: May 2010

4000-01-U

DEPARTMENT OF EDUCATION

Rehabilitation Training--Rehabilitation Continuing  
Education Program

AGENCY: Office of Special Education and Rehabilitative  
Services, Department of Education.

ACTION: Notice of proposed priority.

SUMMARY: The Assistant Secretary for the Office of Special  
Education and Rehabilitative Services proposes a priority  
under the Rehabilitation Continuing Education Program  
(RCEP). The Assistant Secretary may use this priority for  
competitions in fiscal year (FY) 2008 and later years. We  
take this action to improve the quality of employment  
outcomes for individuals with disabilities through  
increased technical assistance to State vocational  
rehabilitation (VR) programs, and to improve the efficiency  
and performance of State VR programs and other program  
participants, which include Centers for Independent Living,  
Client Assistance Programs, and community rehabilitation  
programs) through continuing education activities.

DATES: We must receive your comments on or before [INSERT  
DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL  
REGISTER].

ADDRESSES: Address all comments about this proposed priority to Christine Marschall, U.S. Department of Education, 400 Maryland Ave, SW., room 5053, Potomac Center Plaza, Washington, DC 20202-2800. If you prefer to send your comments through the Internet, use the following address:

Christine.Marschall@ed.gov

You must include the term "TACE Priority" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Christine Marschall.

Telephone: (202) 245-7429 or via Internet:

Christine.Marschall@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding this proposed priority. We invite you to assist us in complying with the specific requirements of Executive Order 12866 and

its overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed priority in room 5053, Potomac Center Plaza, 550 12<sup>th</sup> Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this proposed priority. If you want to schedule an appointment for this type of aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Background

The Rehabilitation Continuing Education Program (RCEP) has traditionally provided continuing education to

employees of State VR programs and other program participants that cooperate with State VR programs in providing VR and other rehabilitation services. The current model supports 11 programs that focus primarily on training employees and professionals of State VR programs and 10 programs that focus primarily on training community rehabilitation program professionals.

Over the past two years, the Rehabilitation Services Administration (RSA) has enhanced its program monitoring of State VR programs not only to evaluate program compliance but also to assist State VR programs to improve performance. One result of this State monitoring initiative is the identification of a number of technical assistance and continuing education needs that are similar across many or all State VR programs. Areas of need are described in the proposed priority.

On March 6, 2007, the Assistant Secretary for Special Education and Rehabilitative Services solicited public comments and recommendations concerning the RSA Rehabilitation Training program (72 FR 9942-9943). The public comments and recommendations received support the mission of the RCEP as well as the regional model of service provision.



Finally, the needs assessments conducted by the current RCEP grantees indicate that State VR programs and other program participants have an increased need for technical assistance and continuing education.

Based upon the results of RSA's program monitoring, public comments and recommendations, and recent needs assessments, RSA proposes to combine the two types of RCEPs--those serving State VR programs and those serving other program participants--into single Technical Assistance and Continuing Education (TACE) centers that will provide both technical assistance to employees of State VR programs and continuing education activities with State VR programs and other program participants.

We will announce the final priority in a notice in the Federal Register. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this proposed priority, we invite applications through a notice in the Federal Register. When inviting applications we designate the

priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

Absolute priority: Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

PRIORITY: Technical Assistance and Continuing Education (TACE) Centers

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority to support

centers that provide technical assistance to employees of State VR programs performing functions necessary to the provision of services under the Rehabilitation Act of 1973, as amended, and continuing education to employees of State VR programs and other program participants to improve the performance of State VR programs. Under this priority, the TACE centers must contribute to the following programmatic outcomes: improved quality of VR services, increased effectiveness and efficiency of VR programs, and improved quantity and quality of VR employment outcomes. The TACE centers must contribute to these outcomes by providing technical assistance to employees of State VR programs and continuing education, either directly or through contract, to employees of State VR programs and other program participants on topics identified jointly with RSA and the centers' advisory committees.

Applicants must demonstrate, through their application, expertise or access to subject experts to conduct technical assistance and continuing education in identified areas of need. Areas of need include, but are not limited to, developing and improving the VR programs' systems of: service delivery; quality assurance; case management, personnel management; fiscal management; data management; communication; and planning. Examples of

specific issues related to these system domains are: State plan development, the use of assistive technology in achieving individualized plan for employment goals; achieving successful employment outcomes with unserved, underserved, and hard-to-serve VR participants, retaining staff, and developing alternative programs to VR for individuals who need independent living services.

Grantees must--

1. Establish annually with RSA a work plan that describes activities that the grantee will undertake to assist State VR programs to accomplish the goals in its VR State plan as well as other performance and compliance goals identified in VR on-site monitoring reports issued by RSA. The grantee and RSA will, through the work plan, update program objectives, identify specific technical assistance needs of State VR agencies, and identify specific continuing education priorities for State VR agencies and other program participants. The work plan will identify the nature and scope, including delivery means and methods, of the technical assistance and continuing education that will be provided to each State VR program and other program participants, as applicable.

2. Conduct an annual needs assessment to identify technical assistance and continuing education needs of

State VR programs and other program participants, as applicable, based on a thorough review of each State VR program's VR State plan, VR on-site monitoring reports issued by RSA, VR annual review reports issued by RSA, other performance and compliance information that the State VR program and RSA provide, and other data as appropriate.

3. Establish a center advisory committee to provide input on the annual needs assessment. In addition to the requirements in 34 CFR 385.40 for required members of the center advisory committee, the committee must also include representatives from Independent Living Technical Assistance projects and RSA representatives as ex-officio members.

Note: Members of minority groups are listed in 34 CFR 385.40 as one of the categories of mandatory participants on the center advisory committee. However, please note that the Department intends to publish a notice of proposed rulemaking to amend 34 CFR 385.40 to remove the requirement that an applicant must include members of minority groups on all advisory committees, and, in its place, to add a requirement that an applicant must include individuals who are knowledgeable about the special needs of individuals with disabilities from diverse groups, including minorities. The purpose of this change is to more clearly

reflect the intent of the Department that the advisory committee should include individuals who are familiar with the needs of individuals with disabilities from diverse groups rather than individuals who are just members of such groups.

4. Participate as an observer in the RSA monitoring process of State VR programs in order to gain a thorough understanding of each State VR program's technical assistance and continuing education needs.

5. Collaborate with other TACE centers to provide technical assistance and continuing education as efficiently as possible to employees of State VR programs and other program participants, as applicable, that have similar needs.

6. Coordinate services with other entities that provide technical assistance to State VR programs, including, but not limited to Independent Living training and technical assistance centers and assistive technology projects.

7. Establish an evaluation component based upon the following performance and efficiency measures: (a) The percentage of technical assistance and continuing education services deemed to be of high quality by an independent review panel of qualified experts or individuals with

appropriate expertise to review the substantive content of the services; (b) The percentage of technical assistance and continuing education services deemed to be of high relevance to State VR policies or practices by an independent review panel of qualified members of the target audiences of the technical assistance and continuing education; and, (c) The percentage of technical assistance and continuing education services deemed to be useful in improving State VR agency policies or practices by an independent review panel of qualified members of the target audiences of the technical assistance and continuing education. The efficiency measure for the centers is the cost per unit of technical assistance or continuing education, by category, weighted by the expert panel quality rating as described in (a). The Department is in the process of identifying the units of technical assistance or continuing education and categories that are appropriate, and how these factors should be weighted. The center must also provide data on each training and technical assistance activity conducted, including the topics, the number and types of personnel and agencies participating in the activity, and any other data as required by the Secretary. The results of the evaluation

must be reported in the centers' annual performance reports.

Executive Order 12866

This notice of proposed priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed priority are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits--both quantitative and qualitative--of this notice of proposed priority, we have determined that the benefits of the proposed priority justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Summary of potential costs and benefits: Potential costs of the proposed priority include costs of establishing and administering the program, conducting the annual needs assessments, providing technical assistance and continuing education and preparing and filing required



reports. The benefits of the program are improved VR employment outcomes for individuals with disabilities as a result of technical assistance and continuing education activities.

#### Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Applicable Program Regulations: 34 CFR parts 385 and 389.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

[www.ed.gov/legislation/FedRegister](http://www.ed.gov/legislation/FedRegister)

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office

(GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at:

<http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Number 84.264A  
Rehabilitation Continuing Education Program)

PROGRAM AUTHORITY: 29 U.S.C. 772.

Dated:

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William W. Knudsen  
Acting Deputy Assistant  
Secretary, Office of Special  
Education and Rehabilitative  
Services